

Frederick Brown
Austin V. Schwing
Lindsey E. Blenkhorn
Gibson, Dunn & Crutcher LLP
One Montgomery Street, Ste. 3100
San Francisco, CA 94104
Telephone: (415) 393-8200
Fax: (415) 986-5309
E-Mail: fbrown@gibsondunn.com
Email: aschwing@gibsondunn.com
Email: lblenkhorn@gibsondunn.com

Gregory J. Kerwin
Juliet M. Hanna
Gibson, Dunn & Crutcher LLP
1801 California Street, Ste. 4200
Denver, CO 80202-2642
Phone: (303) 298-5700
Fax: (303) 296-5310
Email: gkerwin@gibsondunn.com
Email: jhanna@gibsondunn.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED AGUIRRE, individually and on behalf
of others similarly situated,

Plaintiff,

vs.

BP WEST COAST PRODUCTS LLC,
CHEVRON USA, INC., CIRCLE K
STORES, INC., CITGO PETROLEUM
CORPORATION, COSTCO WHOLESALE
CORPORATION, FLYING J, INC., LOVE'S
TRAVEL STOPS & COUNTRY STORES,
INC., PETRO STOPPING CENTERS, L.P.,
PILOT TRAVEL CENTERS LLC, SHELL
OIL PRODUCTS COMPANY LLC AND
VALERO MARKETING AND SUPPLY
COMPANY,

Defendants.

Case No.: C 07 1534 MJJ

**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY PROCEEDINGS
PENDING A TRANSFER DECISION BY
THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION;
ORDER THEREON**

1 WHEREAS the above-captioned case is one of more than 35 cases filed in district courts
 2 throughout the United States that are the subject of a motion to transfer and consolidate pursuant to
 3 28 U.S.C. §1407 that is pending before the Judicial Panel on Multidistrict Litigation (the "Panel");
 4 and

5 WHEREAS the parties agree that the Panel is likely to transfer this and the other pending
 6 actions like it to a single district for coordinated pretrial proceedings; and

7 WHEREAS the parties further believe that judicial economy and efficiency will be served,
 8 and that duplicative discovery and motion practice and the risk of inconsistent orders or rulings in
 9 this case and the various other similar cases can be avoided if this case is stayed for a short time,
 10 pending a ruling by the Panel; and

11 WHEREAS stays already have been entered in many of the cases that are the subject of the
 12 transfer motion before the Panel, including *Rushing, et al. v. Alon USA, inc., et al.*, Northern District
 13 of California Case No. C 06 7621 PJH; and *Telles, et al. v. ConocoPhillips Company, et al.*, Northern
 14 District of California Case No. C 07 1305 S C;

15 NOW THEREFORE, the parties, through their undersigned counsel, stipulate and agree that
 16 the above-captioned case should be stayed pending a ruling the Panel, and that an Order to that effect
 17 should be entered pursuant to Civil L.R. 7-12. The parties further agree to notify the Court within ten
 18 days of receipt of a ruling by the Panel on the motion to transfer.

19 Dated: April 10, 2007

20 /s/ Frederick Brown

21 Frederick Brown
 22 Austin V. Schwing
 23 Lindsey E. Blenkhorn
 24 Gibson, Dunn & Crutcher LLP
 25 One Montgomery Street, Suite 3100
 26 San Francisco, CA 94104
 27 Telephone: (415) 393-8200
 28 Fax: (415) 986-5309
 E-Mail: fbrown@gibsondunn.com
 Email: aschwing@gibsondunn.com
 Email: lblenkhorn@gibsondunn.com

Gregory J. Kerwin
 Juliet M. Hanna
 Gibson, Dunn & Crutcher LLP
 1801 California Street, Ste. 4200
 Denver, CO 80202-2642
 Phone: (303) 298-5700
 Fax: (303) 296-5310

Email: gkerwin@gibsondunn.com
Email: jhanna@gibsondunn.com
ATTORNEYS FOR DEFENDANT
FLYING J, INC.

Filer's Attestation: Pursuant to General Order No. 45 Section X(B) regarding signatures, Frederick Brown hereby attests that concurrence in the filing of this document has been obtained.

/s/ _____
Wendy Jacobsen Harrison
Bonnett, Fairbourn, Friedman & Balint, P.C.
2901 North Central Avenue, Suite 1000
Phoenix, AZ 85012
Telephone: (602) 274-1100
Fax: (602) 274-1199
E-Mail: wharrison@bffb.com
ATTORNEYS FOR PLAINTIFF
FRED AGUIRRE

/s/ _____
Ronald C. Redcay
Sean Morris
Melanie Hanson Sartoris
Arnold & Porter LLP
777 South Figueroa Street
Los Angeles, CA 90017-5844
Telephone: (213) 243-4000
(213) 243-4002 (Redcay)
(213) 243-4222 (Morris)
(213) 243-4240 (Hanson)
Fax: (213) 243-4199
E-Mail: Ronald.Redcay@aorter.com
Sean.Morris@aporter.com
Melanie.Hanson.Sartoris@aporter.com
ATTORNEYS FOR DEFENDANT
BP WEST COAST PRODUCTS LLC

/s/

Ernest J. Getto
Stephen Stublarec
Darius Ogloza
Latham & Watkins
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-2562
Telephone: (415) 395-8189 (EJG)
Telephone: (415) 395-8811 (SS)
Fax: (415) 395-8095-5309
E-Mail: ernie.getto@lw.com
steve.stublarec@lw.com
darius.ogloza@lw.com
ATTORNEYS FOR DEFENDANT
CHEVRON USA, INC.

/s/

Tristan Duncan
Laura Fey
Tim Congrove
Dylan L. Murray
Rebecca Schwartz
Shook, Hardy & Bacon L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108-2613
Telephone: (816) 474-6550
Fax: (816) 421-5547
E-Mail: tlduncan@shb.com
lfey@shb.com
tcongrove@shb.com
dlmurray@shb.com
rschwartz@shb.com
ATTORNEYS FOR DEFENDANTS
CIRCLE K STORES INC.,
PETRO STOPPING CENTERS, L.P. AND PILOT
TRAVEL CENTERS LLC

/s/

Nathan P. Eimer
Lisa S. Meyer
Ameri R. Giannotti
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
Telephone: (312) 660-7600
Fax: (312) 660-7601
E-Mail: neimer@eimerstahl.com
llmeyer@eimerstahl.com
agiannotti@eimerstahl.com
ATTORNEYS FOR DEFENDANT
CITGO PETROLEUM CORPORATION.

/s/

David F. McDowell
Morrison & Foerster LLP
555 West Fifth Street, Suite 3500
Los Angeles, CA 90013-1024
Telephone: (213) 892-5383
Fax: (213) 892-5454
E-Mail: dmcdowell@mofo.com
ATTORNEYS FOR COSTCO WHOLESALE
CORPORATION

/s/

John J. Griffin, Jr.
Crowe & Dunlevy, P.C.
20 N. Broadway, Suite 1800
Oklahoma City, OK 73102
Telephone: (405) 235-7718 (Griffin)
Fax: (405) 272-5225
E-Mail: john.griffin@crowedunlevy.com
ATTORNEYS FOR DEFENDANT
LOVE'S TRAVEL STOPS & COUNTRY
STORES, INC.

/s/

Fredric C. Nelson

John R. Foote

Kathryn McQueen Barnes

Thelen Reid Brown Raysman & Steiner LLP

101 Second Street, Suite 1800

San Francisco, CA 94105

Telephone: (415) 371-1200

Fax: (415) 271-1211

(415) 369-7333 (Nelson)

(415) 369-7303 (Foote)

(415) 369-7345 (Barnes)

E-Mail: fcnelson@thelen.com

jrfoote@thelen.com

kbarnes@thelen.com

ATTORNEYS FOR SHELL OIL PRODUCTS
COMPANY, LLC

/s/

Donald B. Craven

James P. Tuite

Akin Gump Strauss Hauer & Feld LLP

Robert S. Strauss Building

1333 New Hampshire Avenue, N.W.

Washington, DC 20036-1564

Telephone: (202) 887-4000

(202) 887-4081 (Craven)

(202) 887-4406 (Tuite)

Fax: (202) 887-4288

E-Mail: dcraven@akingump.com

jtuite@akingump.com

ATTORNEYS FOR VALERO MARKETING
AND SUPPLY COMPANY

PURSUANT TO STIPULATION, IT SO ORDERED.

Dated: 04/12/07

Honorable Judge Martin J. Jenkins
United States District Judge

